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SUBJECT: U/SYG HOLMES ON PROTECTION OF CIVILIANS IN ARMED
CONFLICT

Summary

¶1. (SBU) Under Secretary-General for Humanitarian Affairs John Holmes briefed the Security Council May 27 on the subject of the protection of civilians in armed conflict. In addition to members of the Security Council, 21 other member states participated in the public discussion. Most voiced support for greater protection of civilians in armed conflict, particularly for women and children, and most also expressed concern about limitations on access for humanitarian workers and sexual and gender-based violence. Many called for an end to impunity for perpetrators of violence against civilians, citing the role of the International Criminal Court (ICC). France used the opportunity to press for immediate humanitarian access in Burma, arguing the distinction between victims of armed conflict and victims of natural disasters is "academic." The U.S., UK, Canada, and Croatia also raised access issues in Burma. Others dealt at length with the plight of Palestinian civilians in Gaza. Russia criticized the conduct of private security contractors in Iraq, asserting that states that hire them are responsible for violations of international law they commit. The Russian PermRep also criticized MNF-I's detention of minors, and the detention of minors in Kabul and Guantanamo. At the end of the open debate, the Security Council adopted a Presidential Statement (PRST). The full PRST can be viewed at www.un.org/Docs/sc/unsc_pres_statements08.htm. Secretary-General Ban is scheduled to release a revised report on the Protection of Civilians in May 2009. End Summary.

USG Holmes' Statement

¶2. (SBU) USG Holmes noted that in the first five months of 2008, more than half a million people have been displaced by conflict around the world. He cited varying degrees of progress on the issue of protection of civilians - notably in Kenya, Cote d'Ivoire, Nepal, Timor-Leste, and Uganda - but lamented recent upsurges in violence in Burundi and southern Sudan. Holmes stated that the full deployment of UN peacekeepers in Chad, the Central African Republic, and Darfur has the potential to significantly improve protection and assistance, if the peacekeeping missions are given full support and resources to fulfill their mandates. Holmes

expanded on three priority concerns related to civilians in conflict: the conduct of hostilities, sexual violence and humanitarian access. Holmes concluded by supporting the Secretary-General's call for the formation of an experts group on the Protection of Civilians, a recommendation echoed by France and the UK, but opposed by Russia.

Holmes: Conduct of Hostilities

¶3. (SBU) Holmes cited several places in reference to the conduct of hostilities: Afghanistan, Colombia, Darfur, Gaza, Iraq, Somalia, and Sri Lanka. While expressing concern about civilian casualties resulting from "force-protection incidents" in Iraq and Afghanistan, Holmes praised the efforts of ISAF and "other international forces" in Afghanistan to minimize the risk of civilian casualties. He also said "I do not for one second underestimate the challenge in Afghanistan, Iraq and other contexts of engaging an enemy... who see the surrounding civilian population as a shield from attack." Holmes also encouraged continued and systematic inclusion in Security Council resolutions of provisions calling for all parties to conflict to comply with international humanitarian law including in resolutions authorizing multinational forces in Afghanistan and Iraq. On Gaza, he said "Israeli air attacks and ground incursions continue to result in unacceptable Palestinian casualties."

Holmes: Sexual Violence

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¶4. (SBU) Holmes reiterated the need for robust action to prevent and respond to sexual violence in armed conflict, including improved reporting on sexual violence provided by peacekeeping missions. He stressed the need to translate zero-tolerance of sexual violence into action, particularly through addressing impunity for perpetrators. With specific reference to the DRC, Holmes reaffirmed the importance of the Secretary-General's recommendation that consideration be given to establishing ad hoc judicial arrangements to support the national authorities in addressing sexual violence and the use of targeted sanctions.

Holmes: Humanitarian Access

¶5. (SBU) Holmes stated that improving humanitarian access remains a key priority. OCHA is developing a mechanism to enhance reporting and analysis on access constraints in conflict settings. This analysis will be annexed to future reports of the Secretary-General on the protection of civilians. Holmes described the many constraints to humanitarian access, and went on to note that although it is outside the scope of this report and debate on armed conflict, access following natural disasters, specifically Burma, is an issue of concern.

Holmes: Expert Group on the Protection of Civilians

¶6. (SBU) In his October 2007 report, the Secretary-General recommended the creation of a Security Council expert group on the protection of civilians. Holmes stressed the importance of such a group, and clarified that the UN is not proposing the establishment of a formal and bureaucratic subsidiary body of the Council but rather an informal forum for expert level discussions.

U.S. Statement

¶7. (SBU) Ambassador Wolff delivered the U.S. statement, which focused on the four key challenges set out in the

Secretary-General's report: access; sexual and gender-based violence; housing land and property issues related to displacement; and cluster munitions. The statement also raised U.S. concerns about the limitations on access of humanitarian workers to Burma. The full text of the statement can be found on the USUN website (www.usunnewyork.usmission.gov).

Country Statements

¶18. (SBU) In addition to widespread support for the need for greater protection of civilians in armed conflict, particularly for women and children, the majority of delegations echoed the key themes of access, sexual and gender-based violence, and an end to impunity for perpetrators of violence against civilians. Almost all stressed that national governments hold the primary responsibility for protection of their civilians. Many recalled the "Responsibility to Protect" principle. In addition, several delegations urged increased support for the International Criminal Court and many called for a ban on cluster munitions.

Burma

¶19. (SBU) French PremRep Ripert devoted his intervention to the humanitarian crisis in Burma, warning that "if the situation in Burma does not (quickly improve), France will not just stand by in the Council." He argued that the distinction between victims of armed conflict and victims of natural disasters is "academic." Croatia noted that civilians in natural disasters are as deserving of protection as civilians in armed conflict. Canada and the U.K. also expressed concern about access in Burma.

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¶10. (SBU) The Burmese PermRep stated that the most effective way to protect civilians in armed conflict is to resolve the root causes of the conflict, and closed by objecting to Holmes' reference to access concerns in Burma as well as attempts by some delegations "to use the debate to politicize a humanitarian issue caused by a natural disaster."

Gaza

¶11. (SBU) Many delegations referred to the plight of Palestinians in Gaza. The United Arab Emirates stated that Israel must be compelled to comply with the protection of civilians as set forth in the Geneva Conventions and "lift its inhumane and illegal blockade" on Gaza, a refrain echoed by other delegations including South Africa. Qatar urged the Security Council to focus on the issue of protection in all occupied territories and stated that crimes against humanity must be addressed without selectivity. The Palestinian representative condemned indiscriminate military assaults by Israeli forces and "systemic and grave human rights violations," including the deliberate obstruction of humanitarian access. He called on the Security Council to hold Israel accountable and for the Council to take upon itself the responsibility to protect the civilian population. In a lengthy statement, Syria criticized the Security Council for a policy of double standards in Gaza as well as the Golan. The Syrian representative stated that civilians "under the yoke of foreign occupation" deserve the same amount of Security Council attention as civilians in cases of armed conflict.

¶12. (SBU) Israel identified the conduct of terrorist groups as one of the primary threats to safety and security of civilians, and noted that states must strike a balance between minimizing harm to civilians and fighting terrorism.

Afghanistan also devoted most of its statement to the threat of terrorism, and stated that the actual number of civilian casualties in Afghanistan is often lower than reported. The Afghan PermRep reported that in an effort to further reduce civilian casualties, international and Afghan forces are now relying on smaller bombs and new weaponry as well as improved coordination.

Iraq

¶13. (SBU) South African PermRep Kumalo argued that militarily superior forces, including multinational forces, must not violate the principles of distinction and proportionality. Russian PermRep Churkin expressed concern about civilian casualties in Iraq, including women and children, resulting from the acts of private security contractors, and recalled that under international law the responsibility for such acts lies with the states that hire them. He also criticized MNF-I for detaining minors and objected to the detention of minors in Kabul and Guantanamo.

Experts Group

¶14. (SBU) Canada, Costa Rica, France, Italy, Mexico, Panama, Peru, and Switzerland expressed support for an informal working group of experts. Several delegations voiced cautious approval, including the U.K. and Japan. Russia called the proposal dubious and stated that an assessment of the working group on children in armed conflict would be needed before forming a new group on this topic. Colombia stated that existing institutional structures are sufficient.

Wolff